REMARKS

By this amendment, Claims 35-60 have been cancelled without prejudice or disclaimer of the subject matter contained therein and Claims 61-89 have been added. The basis for these new claims can be found throughout the specification, claims, and drawings originally filed. No new matter has been added. The following remarks are believed to be fully responsive to the outstanding Office Action and are believed to place the application in condition for allowance. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 112

Claims 38-41 and 46-52 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter which applicant regards as the invention.

This rejection is respectfully traversed.

Applicants have cancelled Claims 38-41 and 46-52. As such, Applicants respectfully submit that this rejection is moot.

REJECTION UNDER 35 U.S.C. § 102

Claims 35-44, 46-49 and 54-56 stand rejected under 35 U.S.C. 102(b) as being anticipated by Franaszek et al (U.S. Patent No. 5,899,084).

Claims 53 and 57-59 stand rejected under 35 U.S.C. 102(b) as being anticipated by Lewis (U.S. Patent No. 5,867,995).

These rejections are respectfully traversed.

Because Applicants have cancelled Claims 35-44, 46-49, and 53-59, Applicants respectfully submit that these rejections are moot.

REJECTION UNDER 35 U.S.C. § 103

Claims 45 and 50-52 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Franaszek (U.S. Patent No. 5,899,084) in view of Sukimoto et al. (U.S. Patent No. 4,504,010).

Claim 60 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis (U.S. Patent No. 5,867,995) in view of Sukimoto et al. (U.S. Patent No. 4,504,010).

These rejections are respectfully traversed.

Because Applicants have cancelled Claims 45, 50-52, and 60, Applicants respectfully submit that these rejections are moot.

NEW CLAIMS

Applicants have added new Claims 61-89, which are generally directed toward a refrigeration system having a *plurality of refrigeration circuits*, each having an evaporator pressure regulator, an expansion valve, and an evaporator. Each refrigeration circuit is in communication with at least one compressor such that the compressor is fluidly coupled to the evaporator pressure regulators, expansion valves, and evaporators of the respective refrigeration circuits. The evaporator pressure regulators are controlled *independently* of the expansion valves by a controller, which

serves to control one of the evaporator pressure regulators to a fully open state based on sensed system parameters.

The cited prior art of record fails to teach a multiple circuit refrigeration system wherein evaporator pressure regulators are controlled independently of expansion valves based on a sensed parameter. Rather, Lewis is directed toward a multi-circuit system that "adjusts" each electronic expansion valve (48a-e) and electronic evaporator pressure regulator (44, 46) to ensure proper refrigeration, maximum coil efficiency, and a highest possible suction pressure. See Lewis at Col. 5, lns. 60-67 and Col. 6, lns. 1-3. In this manner, Lewis fails to teach controlling the evaporator pressure regulators independently from the expansion valves and further, Lewis fails to teach adjusting an evaporator pressure regulator based on system parameters to control one of the evaporator pressure regulators to an approximately maximum flow. Therefore, Lewis fails to teach each and every element of the present invention.

Franaszek similarly fails to teach each and every element of the present invention. Franaszek teaches adjustment of an expansion valve (394) and a modulating valve (300) to control a temperature of a refrigerated case. See Franaszek at Col. 11, lns. 36-46. Franaszek fails to teach a multiple-circuit control of its expansion valves and modulating valve, but instead is concerned with a *single* refrigerated case. See Figure 8 of Franaszek. Further, Franaszek does not teach controlling a plurality of evaporator pressure regulators based on sensed system parameters to modulate *one* of the evaporator pressure regulators into an approximately maximum flow. Therefore, Franaszek fails to teach each and every element of the present invention.

Because the prior art of record fails to teach each and every element of the present invention, either in combination or alone, Applicants respectfully submit that the Claims 61-88 are in a condition for allowance.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: August 23, 2004

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